IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 20987 of 2007(W)

CRMP.3037/2007 of J.M.F.C.-II,PATHANAMTHITTA

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PETITIONER:

ANILKUMAR,S/O.RAMACHANDRAN NAIR,
AGED 35 YEARS,RESIDING AT THENGUMTHOTTATHIL HOUSE,
VAILANKULAM VILLAGE, THIRUVILA.

BY ADV. SRI.A.SHAFEEK

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE,KOIPURAM POLICE STATION,
KOIPURAM.

BY GOVERNMENT PLEADER SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.20987 of 2007

Dated this the 17th day of July, 2007

JUDGMENT

The grievance of the petitioner is that a vehicle belonging to him which was seized on the allegation that it was used for illicit transportation of sand in violation of the provisions of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 is not being released to the petitioner. Notice was given to the learned Government Pleader. The learned Government Pleader submits that the State has no objection in the vehicle being released to the petitioner subject to appropriate conditions. The learned Magistrate in the order impugned has directed release of the vehicle subject to conditions. One such condition is that bank guarantee to the tune of Rs.65,000/- (Rupees Sixty Five thousand only) must be produced.

2. The learned counsel for the petitioner submits that the said condition is too onerous. It is not necessary to insist on such an onerous condition. The petitioner shall execute a bond with sureties and comply with any other reasonable condition issued by this Court.

3. Having considered all the relevant circumstances, I am satisfied that subject to appropriate modified conditions, the vehicle can be directed to be released to the petitioner.

4. In the result, this Writ Petition is, allowed. It is directed that the vehicle shall be released to the petitioner subject to the following modified conditions.

i) The petitioner shall produce before the learned Magistrate all documents to show that he is the owner entitled to possession of the vehicle;

ii) He shall execute a bond for Rs.65,000/- (Rupees Sixty Five thousand only) with two solvent sureties each for the like sum;

iii) He shall deposit an amount of Rs.25,000/- (Rupees Twenty Five thousand only) as cash security before the learned Magistrate;

iv) He shall comply with conditions 2 and 3 imposed on him by the learned Magistrate as per the impugned order.

(R.BASANT, JUDGE)

rtr/-